

REMARKS/ARGUMENTS

Favorable reconsideration of this application as respectfully requested.

Claim 22, the sole claim pending in this application, remains active in this case.

In the outstanding Office Action, Claim 22 stands rejected under 35 U.S.C. §102(e) as being anticipated by Ishii et al. (U.S. Publication No. 2005/0181832 AI, hereinafter "Ishii").

Applicants respectfully traverse the outstanding ground for rejection because in Applicants view Ishii clearly does not teach each feature stated in rejected Claim 22.

In particular, pending Claim 22 defines Applicants invention as follows:

Claim 22 (Previously Presented): A communication method comprising:

an interference amount measuring step of measuring an amount of interference about received signals at a base station;

an interference amount notifying step of notifying said amount of interference measured in said measuring step from said base station to an RNC (Radio Network Controller);

a maximum interference amount indicating step of indicating, as a result of scheduling, a maximum amount of interference which must not be exceeded from said RNC to which said amount of interference is notified to said base station;

a buffer state information transmitting step of transmitting terminal buffer state information indicating a state of a terminal buffer, the terminal buffer storing uplink data to be transmitted from a terminal to said base station, from said terminal to said base station;

an uplink radio resource indicating step of performing said scheduling at said base station which receives said terminal buffer state information, and performing setting of uplink radio resources to said terminal; and

a data transmitting step of transmitting the data from said terminal to said base station according to said indication of the uplink radio resources performed by said base station.

As clearly evident, Claim 22 defines the Applicants communication method as including steps performed at a base station, a radio network controller (RNC), and a terminal, typically a mobile terminal. The steps involving the RNC include the interference amount notifying step and the maximum interference amount indicating step.

On the other hand, Ishii merely discloses communications between two parties i.e., the mobile terminal and the base station. Paragraphs [0007], [0093], [0094], [0112], [0140] and [0065] cited as being relevant to the interference amount notifying step in the outstanding Office Action, in fact, include no teachings relevant to communications to or from an RNC. Likewise, with respect to paragraphs [0018], [0084], [0140] and [0141] cited as being relevant to the maximum interference amount indicating step recited in Claim 22, none of these paragraphs mention or disclose communications to or from an RNC.

Accordingly, it is respectfully submitted that Applicants claimed invention and Ishii differ in that while Ishii only discloses information transmission (inter alia, scheduling between two parties (mobile station and base station)), the claimed invention recites information transmission (scheduling between mobile station and base station, and interference control between base station and RNC) between the three parties (the mobile station, base station, and the RNC).

Accordingly, in view of this clear difference, it is respectfully submitted that the outstanding rejection based on Ishii is traversed and it is respectfully requested that this rejection be withdrawn.

Consequently, since no further issues are outstanding, the present application is believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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